

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

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|------------------------------|---|------------------------|
| MICHELLE ADAMS, | § | |
| Plaintiff, | § | |
| | § | |
| vs. | § | Civil Action H-07-1352 |
| | § | |
| | § | |
| B & B RESTAURANTS, INC., and | § | |
| WENDY’S INTERNATIONAL, INC. | § | |
| | § | |
| Defendants. | § | |

ORDER


Before the court is Defendant Wendy’s International, Inc.’s motion for summary judgment (Dkt. 16) in this Title VII employment discrimination case. Plaintiff has not responded to the motion, and failure to timely respond may be taken as a representation of no opposition. Loc. R. S.D. Tex. 7.4.

Summary judgment is proper because plaintiff has not demonstrated the existence of any material questions of fact with respect to the essential elements of her Title VII claims against this defendant. *Celotex Corp. v. Catrett*, 477 U.S. 317, 322, 106 S.Ct. 2548, 2552 (1986). Wendy’s motion is grounded on the (uncontested) absence of any employment relationship with Adams. Properly supported affidavits also establish that Wendy’s played no role in the personnel decisions of its franchise, co-defendant B & B Restaurants, Inc., and

that Wendy's was not the subject of a timely EEOC charge by Adams. Defendant has met its Rule 56 burden and the court finds that its motion should be GRANTED.

Accordingly, Defendant Wendy's International, Inc. is hereby DISMISSED from this case.

Signed at Houston, Texas on December 12, 2007.



Stephen Wm Smith
United States Magistrate Judge